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## **Silencing grievance: responding to human rights violations in Mexico's war on drugs**

### **ABSTRACT**

Scholarly studies addressing the issue of human rights abuses in Mexico's war on drugs could be classified into two groups. A first cluster of literature addresses the deployment of legal dispositions that allow the commission of human rights abuses. A second cluster of studies analyses the consequences of such political or legal dispositions: e.g., the use of torture. However, I suggest, to increase our understanding of Mexico's human rights crisis a third analysis is needed – the study of the official discourse that authorizes such disturbing legal dispositions and its effects. This article is a sociological driven analysis of the government responses to human rights abuses between 2007 and 2012. The Calderón administration deployed what can be termed the policing of uncomfortable truths, which served to deny or justify the occurrence of atrocity. The article also suggests the effects such policy had in victims of abuses, perpetrators and bystanders of atrocity.

## **Silencing grievance: responding to human rights violations in Mexico's war on drugs**

The end of Mexico's seventy year authoritarian rule in 2000 did not improve the human rights situation of the country. On the contrary, in the last decade, Mexico has faced a crisis of unprecedented violence, where gross human rights violations are widespread (Amnesty International 2013; Inter-American Commission on Human Rights [IACHR] 2013). According to many observers, Mexico's human rights crisis was triggered by the "war on drugs" launched by President Felipe Calderón in 2006 (Human Rights Watch [HRW] 2011; IACHR 2015; FIDH 2017). It is in this context that an emerging scholarly literature on drug-related violence in Mexico focuses on the relationship between the war and the increasing number of human rights abuses. This literature can be, perhaps prematurely, classified into two groups. A first cluster of literature examines the set of legal dispositions deployed by the Mexican government allegedly to control drug-traffickers; dispositions that allow human rights abuses to take place, such as "*arraigo* detention" – that is, the imprisonment of citizens without formal charges for up to 80 days (Madrazo Lajous 2014; Deaton and Rodriguez Ferreira 2015). More recently, a second cluster of studies has examined the concrete effects that result from the implementation of such legal dispositions, for example, arbitrary detention, torture, extrajudicial killings (Daly et al., 2012; Magaloni Kerpel 2015; Pérez Correa et al. 2015). Both clusters of research are relevant given the continuing and devastating effects of Mexico's war on drugs. However, these studies remain incomplete without an examination of the official vocabulary that authorizes such disturbing legal dispositions (e.g. *arraigo* detention) and its concomitant effects (e.g. torture).

Hence this article explores the official discourse articulated by the Calderón administration (2006–2012) to address accusations of gross violations of human rights. The article shows how in the face of growing denunciations of serious abuses committed by state agents, the Calderón administration responded with what Stan Cohen (1996; 2001: 101) termed a “discourse of official denial” — a discourse that sought to deny, reinterpret, or justify the perpetration of well-known atrocities. In doing so, the article seeks to disclose how the discourse of official denial obscures the reality of gross human rights violations and leads to their legitimization. It also seeks to shed light on the interplay between discourse and agency.

Conceptually, this article departs from the dominant literature on drug-related violence that focuses on state officials as professional policymakers whose role is to devise sophisticated strategies to combat drug consumption, neutralize organized crime, or reduce criminal violence (Chabat 2010; Shirk 2011; Benítez Manaut 2010). Instead, this article is concerned with the role of the state as an agent that, in the context of the war on drugs, systematically and extensively violates human rights (Open Society Foundation 2016; Amnesty International et al., 2015). The role of the Mexican state and its agents as perpetrators of gross human rights abuses has been largely ignored by the academic literature. This article is thus a contribution toward building a cluster of academic literature that critically analyzes the disturbing mechanisms of social and political control exerted by the contemporary Mexican state.

Normatively, this article argues that no account of Mexico’s current human rights crisis is complete without taking into account the government’s official discourse on the matter. By naming serious human rights violations for what they are, this research may help to unmask the culture of denial that surrounds acts of state violence in Mexico. As Huggins et al (2002: 19) rightly claim, “it is not just the behavior of

victims, perpetrators, and their governments that shapes social memory about atrocity”; the way scholars and human rights practitioners “conceptualize and study atrocity can influence the content and scope of memory construction as well”.

Two possible after-effects of this discourse of official denial are explored below. First, this discourse could be facilitating a linguistic and ideological arsenal for state officials to justify abuses, and neutralize any potential feelings of remorse. Second, this discourse of official denial may be preparing society to accept the routine occurrence of human rights violations. Why do ordinary Mexicans, to use Primo Levi’s (1987) words, seem to be “incapable of conceiving of a terrorism directed by the state, even when it [is] already all around them”?

To explore how human rights information was communicated, I analyzed texts published between 2006 and 2012 by human rights organizations in the form of press releases, special reports, and annual reports. I also conducted a thorough analysis of the government’s public statements and policy documents produced in response to accusations made to them of their human rights abuses.

Before I proceed with my analysis, some clarifications are needed. This article focuses on the Calderón administration (2006-2012). The current war on drugs was inaugurated by President Calderón and became the central policy of his administration. Consequently, the government invested abundant time and resources in official propaganda to legitimize such war. This is also why this analysis focuses on the discourse of the Executive branch of government. Congress did not propose the war: it was a policy deployed and rhetorically justified by the Presidency. Local governors and municipal mayors have openly supported the war and echoed the official propaganda through the local press. However, this article focuses on the texts published by the most influential national newspapers and news magazines. The Enrique Peña Nieto

administration (2012-2018) perpetuated the war and intensified the militarization of the country. Yet, unlike President Calderón, Peña Nieto stopped talking about it at least during his first years in office. That is, in practice, the war continued as before, but it disappeared from the official discourse almost entirely.

### ***Human rights in Mexico's permanent state of exception***

Public policies aimed at dealing with drug trafficking were not introduced by the Calderón administration. During Mexico's authoritarian regime (1929-2000), "the military, traffickers, police, and political officials all took a cut from the narcotics traffic" passing through Mexico, "keeping violence to relatively low levels because all groups had a stake in a smoothly conducted business"; thus, the Mexican government "acted historically as overseer of the drug-industry" (Mercille 2013: 115).

This situation changed with the accession of President Calderón to power. Less than two weeks after the start of his presidency, Calderón began what he named a "war" against organized crime (Presidencia de la República 2006). During his administration, more than 50,000 soldiers were involved in large-scale counternarcotics operations (HRW 2011: 4; Daly et al. 2012). The move was surprising since the fight against drug consumption and the trafficking of illicit substances was not a central theme in Calderón's electoral campaign. Whatever his motives, the importance of this war is that it led to an unprecedented wave of violence. As Schedler (2014: 9) notes, "the government's strategy of leadership decapitation...destabilized the entire system of criminal actors. It has fractured all relationships: within cartels, among cartels, and between cartels and the state". The annual number of homicides rose from 8,000 in 2006 to more than 27,000 in 2011. Thousands of persons have disappeared after being

abducted. According to official data, between 2007 and 2016 more than 28,000 persons went missing (Amnesty International et al. 2016: 4).

The conventional vision on drug policies in Mexico has focused on the role played by the organized crime (Chabat 2010; Shirk 2011). This perspective is based on two explanations: first, drug cartels are the main protagonists of the war: they are killing each other and terrorize the population; second, the Mexican government runs the risk of being infiltrated by organized crime and must, therefore, do something to neutralize drug cartels (e.g., the use of military force).

More critical studies disagree with these explanations and argue that the real causes behind the war have little to do with drugs. For instance, Julien Mercille (2011; 2013) and Dawn Paley (2014) have demonstrated that the war on drugs has been useful to expand, protect, and police neoliberal policies that benefit mainly resource extraction companies. The war, they argue, has allowed the US government to offer economic cooperation and security assistance under the condition of implementing neoliberal reforms. For the Mexican government, the war serves as an excuse to militarize the country and to use security forces to repress activists, journalists, and critics of the regime (Mercille 2011: 1641; Mercille 2013: 118).

An analysis of the motives behind the war on drugs is beyond the scope of this article. Whatever the real reasons behind it, the war has led to serious violations of human rights. In 2011, HRW published a special report on Calderón's war, whose title is self-descriptive: *Neither Rights, Nor Security*. HRW (2011: 5) found that the strategy of the Calderón administration was "badly failing on two fronts. It has not succeeded in reducing violence. Instead, it has resulted in a dramatic increase in grave human rights violations". HRW (2011: 5) "found evidence of a significant increase in human rights violations since Calderón launched his "war on organized crime" ". In particular, HRW

(2011: 5) warned that “members of security forces systematically use torture to obtain forced confessions and information” about alleged criminal groups. And evidence points to the “involvement of soldiers and police in extrajudicial killings and enforced disappearances around the country” (HRW, 2011: 5). Anticipating that the Calderón administration would seek to downplay the report, HRW clarified that the country was now facing not “isolated acts”, but rather an “endemic” problem (HRW 2011: 5).

Many non-governmental organizations, including various agencies of the United Nations, confirmed the findings of the HRW report. The conclusions were always the same: in the context of the war, the security forces of the Mexican state systematically perpetrated serious human rights violations, including cruel, inhumane, and degrading treatment; illegal detentions; torture, summary executions, and forced disappearances (ACHR 2015).

Juan Méndez, United Nations Special Rapporteur, for instance, concluded in 2014 that “torture and ill-treatment are generalized in Mexico” (Méndez, 2014: 7). Méndez (2014: 6) found the serious human rights situation to have a well-defined setting: “since 2006, in the context of the so-called “war on drug trafficking”. One of the most disturbing findings of the United Nations Special Rapporteur was that in Mexico there is a “state of exception” that suspends:

the constitutional and legal rights of detainees with alleged links to organized crime, which includes *arraigo* detention, pretrial detention without formal charges and the ability of the Public Prosecution Service to extend the period during which a person is detained or held before being brought before a judge (Méndez, 2014: 7).

This explanation is correct, but it overlooks the fact that the state of exception has been extended indefinitely. The irony is evident: the country is living under what may be termed a *permanent state of exception*.



The official information is no better. The National Human Rights Commission, the foremost institution in the country tasked with the protection and promotion of human rights, acknowledged that between 2005 and 2012 received over 9,000 reports of arbitrary detentions carried out by agents of the Mexican government (Ballinas & Becerril 2012). The Commission was investigating approximately 2,000 cases of forced disappearance in which public officials were involved. In 2011, the Commission received 2,000 complaints of torture and inhumane treatment, which represented a 500 percent increase over the previous five years. In sum, since the onset of the “war on drugs” in 2006, the Human Rights Commission received more than 34,000 complaints against federal state security agents. These complaints included atrocities committed only by members of the federal police and the military (they do not include the abuses committed by local government agents, such as the municipal police).

Thus, clearly, during the Calderón administration an extraordinary volume of information about human rights abuses was generated by journalists, scholars, local human rights organizations, and international bodies. So, how did the government respond to such information? Interestingly enough, the HRW (2011: 10) report included a section on what the organization called the “dangerous rhetoric” of the Calderón administration. HRW (2011) warned that state officials systematically dismiss victims’ allegations as untrue, and label (and treat) the victims as criminals—even as officials publicly claim to be firmly committed to the promotion and protection of human rights. “The model for this self-contradictory discourse”, claims HRW (2011: 10), “has been provided by President Calderón, who on the one hand talked about human rights as a central premise guiding his government’s policies, while on the other expressed his exasperation at hearing complaints ‘that are not true’ of abuses committed” by state agents, particularly by the military. This is why research that goes beyond the analysis

of the legal provisions used in the war against drugs (e.g. *arraigo* detention) and their effects (e.g. torture) is needed. HRW makes clear the necessity and significance of research to examine Calderón's Orwellian newspeak, in order to shed light on the discourse of official denial deployed by the government to disavow, minimize, and justify the abundant evidence of serious human rights violations reported by victims, human rights activists, and international human rights bodies.

***Policing uncomfortable truths: how to not talk about human rights violations***

The permanent state of exception that Mexico is currently under has been underpinned by what can be termed a *the policing of uncomfortable truths*: a strategy that seeks to conceal reality, an arsenal of rhetoric that serves as a defense mechanism to deny that torture and disappearances occur, a policy to normalize the abnormality of an unchanging state of emergency. During his administration, Calderón deployed a public discourse to deny, reinterpret, or justify human rights violations. This is what Cohen (2001: 101) called the “discourse of official denial”: a series of complex—and sometimes magical—explanations developed by the state to evade allegations of atrocities perpetrated by its agents, namely the police and the military, against its citizens. In what follows, I will use Cohen's sociology of denial to classify and examine how Calderón's administration publicly responded to serious human rights allegations.

Before proceeding, it is important to clarify that the collection of quotes analyzed in this article are not intended to be a “representative sample”. It should be noted that there were official statements that were highly contagious, regardless of the frequency of their repetition. The examples that I cite here illustrate how official thought and language were constructed and deployed during Calderón's presidency.

They are evidence that such a discourse existed. They illustrate well how the human rights crisis was officially handled, how uncomfortable truths were repressed.

### *Literal denial*

The first type of disavowal that appears in Calderón's official responses to allegations about human rights violations is what Cohen (2001: 104) called "literal denial": "nothing happened". Cohen (2001) identified this type of denial primarily in the context of dictatorships. In these regimes, he noted, government officials can literally deny that atrocities are committed because there is no internal system of accountability, and they are generally shielded from international scrutiny. During the Calderón administration, this type of denial was very popular against allegations made by Amnesty International or HRW. To prepare each of their reports, these organizations carried out extended visits to the country, interviewed hundreds of victims, and met with dozens of activists, journalists and human rights scholars. Regardless, the Calderón government openly denied the evidence produced by these organizations: "The numbers do not lie, there is no systematic violation of human rights" (Baranda, 2011). The Ministry of the Interior sought to evade the allegations about human rights violations by simply arguing that reports published by human rights organizations "do not reflect the real situation" of the country (Animal Político, 2012).

In 2012, a group of journalists asked the Minister of the Interior why he was "discrediting" a report generated by HRW: "the same answer was given when reports were produced by Amnesty International and even the agencies of the United Nations", the journalists claimed. The response from Minister of the Interior was firm (and incredible):

What is systematic, even in the cases where there is an allegation of a possible human rights violation, is not the violation of human rights, but, on the contrary, what is systemic is the adherence to the law. That is, what is

systematic (...) is the adherence to human rights (Presidencia de la República 2012).

Literal denial was also repeated against findings made by the press. The United States-based newspaper *The Washington Post* reported on abuses committed by the army. Their reporting was based on testimonies of people tortured by the military, and analysis of over 2,000 complaints presented by citizens to the National Commission on Human Rights. Faced with this wealth of information, the Ministry of Foreign Affairs dismissed the story: “no evidence is provided” (Hernández, 2009). The public officials in the ministries of the interior and foreign affairs did not feel obliged to offer complex responses to reject the information presented by human rights organizations. For them, there was no information, or evidence, or human rights violations.

Cohen (2001) identified another type of literal denial: the discrediting of the reliability and credibility of those who suffered abuses or reported them. According to this logic, no one can believe in the existence of human rights violations because the victims are surely lying, the human rights organizations are partial, and press reports are motivated by political interests. According to this type of literal denial any information about abuses perpetrated during the Calderón administration was false. For example:

The troops that operate in [X] Military Zone have had successful results in fighting drug trafficking, and, due to this, they have been subjected to constant media-based smear campaigns, through social mobilizations, paid by the drug traffickers of the Gulf cartel, based on false arguments of alleged mistreatment and abuses by military personnel (Milenio, 2007).

Thus the military argued that human rights abuses were not really occurring, they were all fantasies, inventions made up by criminal groups with the political aim of discrediting the army.

In 2012, a group of journalists asked the Minister of the Interior a question on a situation that had by then become evident: “Isn’t the federal government closed off from

the scrutiny of and observation of international bodies?” “On the contrary”, responded the minister. The real problem was that the HRW report had “errors” and “methodological flaws” (Presidencia de la República 2012). The allegations of serious human rights violations—allegations that had been documented *ad nauseam* by other national and international human rights actors—were irrelevant. The methods section of the report was the real issue.

The Calderón administration denied that human rights abuses were taking place by invoking its purported democratic credentials, employing the following magical syllogism: as a good democratic government, we would never permit anything to occur that does not adhere to human rights; consequently, human rights are not violated in Mexico. For example, when approached for comment about abuses perpetrated by the army, the Minister of Foreign Affairs responded: “To respect human rights is a priority of the Mexican government, therefore there is no way to imagine that the government is encouraging a fight against organized crime that is outside the law” (Hernández, 2009).

The last strategy to deny reality consisted in invoking a legal technicality. A federal human rights official offered an example of this. When the newspaper *Reforma* asked about the abuses perpetrated by members of the armed forces, the state agent responded:

Initially it might seem that an illegal search was being carried out, or it might seem that there was an arbitrary detention, or an abuse, [however] until there is no investigation or proof of it, such violations do not exist (Jiménez, 2009).

How can human rights violations only “seem” to be true? For the victims, the experience of torture, or the violent intrusion of members of the armed forces to their homes in the middle of the night, were absolutely real events.

### *Interpretive denial*

Cohen (2001: 105) observed that it becomes increasingly difficult for governments to deny the existence of human rights violations, given the presence of greater international scrutiny. Faced with evidence of atrocities, governments tended to recognize that “something” had indeed happened, but later reinterpreted or reclassified the event to make it seem as if the atrocity was something else, to minimize the abuse, and to make it appear to be something less disturbing and more acceptable.

Interpretive denial is common in countries that aspire to be part of the community of Western democracies, but that should be rather grouped with undemocratic regimes due to their questionable human rights track record. Thus, in countries like Mexico, governments try to evade taking responsibility for their actions when criticized by international organizations by using the following syllogism: yes, we understand the importance of respecting human rights; yes, we have signed all the relevant treaties; yes, we recognize the validity of the human rights bodies that monitor our performance; and, no, what the police do is not torture, nor summary executions, it is something else. The most sophisticated formula of this type of denial is the manipulation of international law jargon: yes, we signed and respect X convention, but Article 13, Clause 7, Paragraph 2, does not apply in Mexico; yes, we ratified and support Treaty Y, because the country is a democracy, what the Mexican army does is actually different from what is stipulated in Article 12, Section 2, Paragraph 6.

An example of this can be found in the way the Mexican government dealt with the issue of military jurisdiction. Between 2006 and 2012, local and international human rights organizations lobbied Calderón’s government to limit the impunity enjoyed by the military when they commit abuses against the population (HRW 2009). According to international law, military personnel who commit serious human rights violations must be investigated and tried by civilian authorities, through effective, impartial, and

transparent mechanisms. Throughout Calderón's term, as in the authoritarian era, it was customary for the military to investigate itself, through processes that showed little openness to public scrutiny and in which the military served as both judge and defendant. Organizations like HRW made a simple and understandable argument:

An important reason such abuses continue is that they go unpunished. And they go unpunished in significant part because most cases end up being investigated and prosecuted by the military itself. By allowing the military to investigate itself through a system that lacks basic safeguards to ensure independence and impartiality, Mexico is, in practice, allowing military officers involved in law enforcement activities to commit egregious human rights violations with impunity (HRW 2009: 3).

Throughout the Calderón administration organizations like Amnesty International and HRW had condemned the abuses perpetrated by the military and the issue of military jurisdiction. In response, on hundreds of occasions the government asserted its commitment to the promotion and defense of human rights (Anaya Muñoz 2014). However, simultaneously, Calderón rejected the allegations of military impunity. The government evaded responsibility using variations of the same response:

For the Mexican State, military jurisdiction is performing efficiently to prevent, prosecute, and punish human rights violations that may be committed by military personnel in the exercise of their functions, so it is not possible to support the recommendation contained in paragraph 94.5 (Gobierno de Mexico 2009).

Another strategy to reinterpret reality is to use euphemisms, redefining human rights violations so they appear less cruel than they are, and using misleading terminology that gives the action a respectable status (Cohen 2001: 105). In Mexico, euphemisms were useful for reframing the status of victims. When referring to them, the Calderón government spoke of "collateral effects" or "collateral damage" (Presidencia de la República, 2010c; Jiménez 2012). The most notorious example of this strategy occurred with the death of the elderly Ernestina Ascencio Rosario. The media reported

that Rosario was attacked the day before her death by a group of military personnel. Her death, as reported by media investigations, was caused by “head trauma and acute anemia produced by hemorrhaging”, which were the result of a “sexual attack” (Granados Chapa 2008). Calderón reinterpreted what happened: the lady “died of mistreated chronic gastritis” (Gallegos & Herrera 2007).

Cohen (2001: 108) used the term “magical legalism” to refer to the discourse used by some governments to “prove” that an allegation was incorrect or unfounded because the event or act is prohibited by law, or already addressed through a government program, and so, in theory, it should not be happening. Magical legalism is based on the following syllogism: torture, forced disappearances, and, in general, any other human rights violations are prohibited; this government has stipulated this in a legal disposition; therefore, what the human rights organizations report cannot be true. In 2009, the National Commission on Human Rights publicized a disturbing report: in six months, more than 9,000 undocumented migrants in transit in Mexico were kidnapped by state officials and criminal organizations (CNDH 2009). Once kidnapped, migrants were starved, ill-treated, tortured, and extorted. Women (and men) were raped or sexually exploited. Some migrants were selected for forced labor. Some selected for death. A month later, the director of the National Migration Institute (NMI) responded with a magical legalism. The NMI claimed to share the “concern for the increasing *problems* faced by migrants... that transit through the country”, but, the director clarified, the NMI had already “implemented various measures in the past year to drive the immediate and coordinated action of public security authorities and law enforcement to combat and attend to the victims of kidnapping” (Secretaría de Gobernación 2009). For the Calderón government, “the increasing problems faced by migrants” – that is, torture, forced disappearances, kidnappings, forced labor, illegal detentions and killings



– had already been addressed through “various measures”, so there was nothing further to discuss.

Another strategy for reinterpreting reality is to deny responsibility for what has occurred. The Calderón government cleverly used linguistic resources to create the impression that atrocities had occurred by themselves, instead of accepting that they were perpetrated by state security agents: e.g. “five or forty people died yesterday in various confrontations”. Alternatively, the government would use semantic juggling to make it appear that responsibility could not be attributed to any particular government body. For example, to avoid recognizing the responsibility of the armed forces in the commission of human rights abuses, the Calderón government developed the following argument:

The military legislation provides for all of these kinds of events, to avoid violations of individual guarantees, but there are some circumstances in which unfortunately it is inevitable or possible that some problems are generated that lead to the harm of persons or property (Jiménez 2009).

In 2010, a father and his son were driving along the motorway between two cities in northern Mexico. When they attempted to overtake “units” of a “joint operational base”, the family was executed by members of the security forces. A little later, the administration publicly lamented their “death”—or rather, their extrajudicial execution by agents of the state. The administration later concluded:

We will be reviewing the communication protocols, so that the inhabitants of the areas surrounding the locations of these operations always have relevant information so that they may collaborate and follow the instructions of the authorities, whose primary objective at all times is to ensure the safety of the population. Unfortunately, this was not the case this time (Presidencia de la República 2010(a)).

Responsibility for the outcome in this situation did not belong to the agents that executed the citizens, but rather to the citizens that should have had the information on how to collaborate with the authority (so as not to be executed).

### *Implicatory denial*

There are occasions where the evidence is so widely known that there is little room for reinterpretation, and much less for literal denial. In these cases, governments accept that they were responsible for violent acts, but minimize their effects or implications (Cohen 2001: 109).

One method used by Calderón's administration to justify human rights violations that could not be hidden was to invoke morally superior ideals: for example, claiming a "future that we aspire to", "a free Mexico, a safe Mexico, a Mexico that the Mexicans deserve" (Presidencia de la República 2007a). The Calderón government argued that we were "prepared for a battle that will be long, which will require resources and, unfortunately, also human lives, but it is a battle we must face to safeguard the future of Mexico" (Presidencia de la República 2007b). The Minister of the Interior justified the war against drugs and its terrible consequences on the grounds that "in this battle defeat does not exist" even if that "involves the loss of life" (El Financiero 2008).

Another strategy was to invoke the idea of necessity: what happened is justified because "something had to be done", because there was no other alternative. The war on drugs was "an arduous and difficult battle" that "unfortunately has cost and will cost human lives". However, according to President Calderón, there was no other option and, therefore, action was justified: "The alternative is clear: either we restore order and the minimum security conditions or Mexico will not move forward" (Presidencia de la República, 2007a).

The Calderón administration also sought to dehumanize the victims of violence (and their families), turning them into "enemies" of the community, the nation, and Mexico. This policy popularized the idea that some victims and alleged drug-traffickers were not part of the political community, and they therefore ceased to enjoy the right to

equal protection before the law, people whose suffering was not a source of indignation, but rather of reassurance (Madrazo Lajous 2013).

Another strategy was to refer to all the victims of violence as criminals. By criminalizing the victims, Calderón implicitly blamed them for their misfortune, suggesting that they deserved their fate. For Calderón, the casualties of the war were “gentlemen” who “are killing each other” (Presidencia de la República 2010b). For the National Defense Secretariat, human rights complaints were false because they had not been submitted by the victims or their families, but “by members of organized crime, in order to discredit the Army, and thus limit their operations” (Martínez 2012). The popular phrase “*en algo estarían metidos*” (they must have been involved in something) poignantly reflects how this official discourse found social acceptance.

Contextualization is the discursive strategy that accepts that events occurred, but attempts to minimize their effects by evoking a unique context for them—so unique and exceptional that only those who were there could understand. According to this logic, those who were not there cannot really understand what occurred, and thus have no moral authority to question what happened (Cohen 2001: 111). For example, in 2007, according to the newspaper *Reforma*, two women and three children were shot dead in Sinaloa. They were heading to a funeral and, because they were going at a high speed, the driver was not able to stop the car when a group of military personnel ordered him to do so (Jiménez 2009). In response to this, the army offered the following justification: “I think that it is inevitable [to make mistakes], it does not excuse the issue, they are simply circumstances that only the person who is living them, in that place, will understand” (Jiménez 2009).

The last strategy used to justify the occurrence of human rights violations was based on the idea that Calderón was morally superior to his critics, because he initiated

the war against drugs. Calderón employed this strategy in 2009 with Amnesty International. According to media reports, the organization was denouncing the obvious situation: “The Army’s abuses and violations have reached a scandalous level due to their excesses.” Amnesty International’s Mexican representative stated that Amnesty had already denounced the “pattern of crimes committed by the army in their operations,” although “the Mexican civil and military authorities denied the forced disappearances and severe torture” (*El Universal* 2009). To address this, President Calderón called people to “ignore the voices that naively propose that the State withdraw from the fight [against drug trafficking]” (*El Universal* 2009).

### ***The repercussions of denial***

The Calderón administration’s response to accusations of human rights abuses was a mixture of evasions, half-truths, legalisms, euphemisms, and peculiar factual objections. In what follows, let me explore, at least tentatively, two potential effects of such discourse of denial in Mexico’s war on drugs.

### ***Lenguaje rules and low-level officials***

The emerging literature on human rights violations in the context of Mexico’s war on drugs has focused on the analysis of new and old laws, institutions, and bureaucratic inertia. According to these studies, the human rights crisis emerged because the Mexican government created laws that limit the fundamental rights of citizens, because of the increasing number of military personnel who perform police functions without being properly trained to do so, and because the Mexican justice system permits law enforcement agents and the public ministry to mistreat and torture detainees without judges halting these practices. This analysis is correct, but incomplete. We have yet to

understand *how* so many state agents choose to engage in practices that violate human rights and what steps they follow to do so. We still have very limited knowledge of *how* so many Mexicans who work for the state in the fields of security and justice tolerate or agree to take part in practices that should be absolutely unacceptable, such as torture. Publicly, the official discourse of denial has been normally deployed by high-level state agents – e.g., the president, the minister of foreign affairs, who are not direct perpetrators – as a reaction to human rights allegations. But, we might want ask, what is the effect of such discourse in low-level security officials who actually perpetrate violence?

There are no sociological or criminological scholarly studies to date on the perpetrators of gross human rights violations in Mexico's war on drugs. However, prior research on state crimes in other countries may be useful to shed light on what occurs in the country. Studies on atrocities committed by state agents in Argentina, Brazil, Chile, and Timor-Leste have emphasized the importance of the process through which the perpetrators transform their perception of torture, forced disappearances, or summary executions, to the point that these acts come to be regarded as normal, acceptable, morally right, and routine (Huggins et al. 2002; Stanley 2009). Kelman (1995), for example, notes that atrocity perpetrators go through a training phase in which the moral restraints that hinder a person from committing acts they would normally repudiate are weakened. Similarly, Kooijmans (1995: 16) argues that "no man is born a torturer". Perpetrators of state crimes, he claims, are "drawn into a web", which encloses them "gradually but relentlessly" and from which they are "hardly ever able to disentangle" themselves (Kooijmans 1995: 16). They become members of a "sub-group", Kooijmans (1995: 16) concludes, and even find the arguments to explain to themselves the "inner logic" of their behavior.

These studies suggest that perpetrators of state crimes go through what can be called a learning process during which language plays a crucial role: it allows those who learned to perceive torture as an acceptable practice to defend themselves against questioning from the rest of society, which still sees torture as morally unacceptable. As Howard Becker (1963: 31) showed in his studies on the sociology of deviance, individuals “learn” to participate in a subculture organized around a particular deviant activity. In this process of learning, individuals engaged in deviant activities seek to justify their deeds, which are not seen as valid by the rest of society; and they do so through the development of a particular language, special vocabularies that allow them to neutralize the force of law-abiding values (Becker 1963: 28). This is why Crelinsten (2003) claimed that in regimes where torture is pervasive, those who have the monopoly of violence create an alternative reality based on language that permits the normalization or justification of their atrocities.

Kelman (1995) suggests that the official discourse of denial matters mainly for two reasons: it provides authorization from authorities for these acts to occur, and it facilitates the dehumanization of victims. Authorization does not necessitate explicit approval for the violation of human rights from senior government officials. It is sufficient that low-level security officials “believe and have good reason to believe that the action is authorized, expected, at least tolerated, and probably approved by the authorities” (Kelman 1995: 21). Senior management might not have given specific orders to commit abuses, but they created the atmosphere in which subordinates feel they have permission to do so. It is important to emphasize, as Hannah Arendt (1994: 86) argued, that the “net effect” of these “language rules”, of this “language system”, which seeks to disguise atrocity through euphemisms and lies, is “not to keep these

people ignorant of what they were doing, but to prevent them from equating it with their old, ‘normal’ knowledge of murder and lies”.

Therefore, one potential effect of the discourse of official denial deployed by the Calderón administration may well be that it facilitated a linguistic and ideological arsenal for a large number of direct perpetrators, low-level state officials, to deny, reinterpret, and justify human rights violations. There is enough evidence available to conclude that many state agents practice torture, extrajudicial executions, or disappearances in the context of the drug war, but the official discourse rarely accepts that this occurs. According to the administration’s official responses, human rights violations never take place, or they only “seem” like human rights violations, but are actually “something else”, and if they have occurred they are somehow justified.

Finally, “through this mis-recognition” state perpetrators of crimes are “rarely recognized” as such in official discourse. Consequently, “they too become something else”—“security agents”, “crime fighters”, patriots, loyal Mexicans, Mexican heroes, or whatever (Stanley 2004: 8). Certainly, it would be misleading to say that all the security forces in Mexico perpetrate abuses. However, as Huggins (2000: 61) notes regarding countries where serious human rights are systematically violated, “someone who had been in one of these internal security agencies would have either committed violence against suspects or been present when such violence had taken place”—in other words, “would at least have been a silent participant in or witness” to atrocity.

Very few of the direct perpetrators of human rights abuses committed in the context of Mexico’s war on drugs have been brought to justice: for instance, in the last ten years, only 59 members of the military have been, apparently, sent to prison for allegedly committing human rights violations (Garcia 2016). A group of journalist is currently seeking to talk to some of them (Cadena de mando 2017). So far, six members

of the military under detention have been interviewed. Parts of such interviews have been made public. What these perpetrators are confessing give a glimpse of what they do, and about what they say they think they do: those killed are enemies (“the fucking delinquency should be eradicated”; “traitors to the homeland... must be eliminated”); they were just following orders (“I just receive such order [to kill someone]... because the dead do not talk”); what happened was justified (“if they give us the green light means that you are free to do what you want, if you notice someone suspicious you can frisk or fire”); it is the only language they understand (“to obtain information it is necessary to beat a person”); they had no choice (“we are given high caliber weapons... that is why we are accused of being so brutal”); we cannot know what it was like to be there (“the adrenaline factor during combat”).

Clearly, these are not sophisticated or enigmatic vocabularies, but accounts that echo the official discourse promoted by high-level officials. These accounts were learnt, and were drawn from a well-established, authorized existing pool. Thus, the official discourse of denial seems to allow low-level officials to have a plausible story about what they did, and a moral account that justifies why they did it.

### *Living in a lie*

Another potential effect of the policing of uncomfortable truths has to do with the rest of society. Crelinsten (2003) argues that regimes where atrocities are routinely committed are possible because society has been predisposed—even trained—to accept that these happen. This “training” is based on a formal discourse that allow people to reconstruct reality—a reality where abuses occur but where they are acceptable or justifiable, where victims do not exist or do not matter. To explore the possible relationship between the official discourse of denial and the response of ordinary



Mexicans to human rights violations, I draw on information from the Mexican 2014 National Survey on Organized Violence (NSOV).

The NSOV (2014) survey shows that more than 60 percent of Mexicans believe that the likelihood that a person detained by security forces will have access to due process is very remote or nonexistent. The same percentage of Mexicans recognize that human rights violations perpetrated by the police and the army are “frequent” (NSOV 2014). These answers do not emerge from unfounded suspicions, but rather from everyday experiences. Almost 40 percent said they in fact know “someone” who has been “abused by the police”, and one in eight knows “someone” who was “abused by the army” (NSOV 2014).

What awaits a Mexican placed in *arraigo* detention?, the NSOV (2014) asked. The answers to this question, says Schedler, who crafted and coordinated the survey, are a “look into hell” (Schedler 2015: 186). Nearly 70 percent of Mexicans believe that it is “somewhat likely” or “very likely” that the police will manufacture false evidence on detained citizens. About the same percentage believe that the detainees will be tortured by state officials. Finally, half estimated that it was “somewhat likely” or “very likely” that a person detained by the police will “never” be seen again by their family – that is, forced disappearances (NSOV 2014).

And, again, these answers do not come from unproven opinions. As Magaloni Kerpel (2015: 37) has demonstrated recently, on average, during the Calderón administration 20 percent of those individuals currently held in federal prisons argue that they were forced to incriminate someone else, were asked for money, or received threats from security agents. Moreover, 80 per cent of those Mexicans detained by security forces in the context of the war on drugs suffered abuses, which include

waterboarding, asphyxia, electric shocks, sexual violence, and burns (Magaloni 2015: 41).

Thus, it is clear that, as these surveys reveal, Mexicans can hardly argue that they do not know what is currently happening in the country. It shows that they are well aware that the authorities perpetrate serious human rights violations in the context of the war on drugs. But how do they process this knowledge about the role of the state bureaucracy in perpetrating this violence? And what do they do with this knowledge?

In a country where one in eight citizens has been abused by those members of the military deployed throughout Mexico, the survey asked respondents whether they had participated in any demonstration, march, picketing, or any other event to protest against this war that visibly affects them: 90 percent said they never protested in any way against the violence of the war (NSOV 2014). Apparently, it is not even an issue that deserves to be discussed in private. More than 60 percent prefer to speak little or not at all about this type of violence with their relatives (NSOV 2014). The same percentage believes, following the official rhetoric, that too much has already been said regarding the drug war and violence (NSOV 2014).

One of the most powerful discursive strategies used by the Calderón government was the dehumanization of the victims of the war, referring to them as criminals or enemies of the nation. What is the social perception of this? The NSOV (2014) shows that nearly two-thirds of the population agreed with Calderón's diagnosis: violence is selective: if people do not mess with drug-traffickers, nothing will happen to them. Following this reasoning, those who experienced violence might have been involved in something (and thus they got what they deserved).

The widely held perception of the victims as criminals and enemies has rendered them invisible—they are guilty of something, so their fate apparently does not matter.

On average, in Mexico more than ten people disappear without a trace each day. The mass media reports daily about the most dramatic cases. Yet 80 percent of Mexicans do not recall any case of disappearance or death that has moved them (NSOV 2014). The NSOV (2014) also shows that the same percentage of the population declares not to remember the name of any disappeared or murdered person. Hence Schedler (2015: 146) warns that “the dead” in the fight against drugs “are not only strangers. They are alien.” “Absent in the public sphere,” he concludes, “the victims are also absent in the private sphere of minds and hearts.”

The official policing of uncomfortable truths may have facilitated the contempt held by Mexican society towards those relatives of victims of human rights abuses who, despite many obstacles, are organized to call for truth and justice. More than half of the population are not aware at all of the existence of non-governmental organizations formed by victims’ relatives in Mexico. According to the NSOV (2014), nearly 80 percent of Mexicans say they do not know if there is a victims’ movement in their city, and over 60 percent say they have never heard of these movements ever. The survey asked these Mexicans how much they identified with victims who organized and created non-governmental organizations, support groups and so on, for example, the organizations of mothers of the disappeared. The NSOV (2014) reveals that more than 60 percent of Mexicans said they empathize “little” or “not at all” with victims.

Certainly, our understanding of how ordinary Mexicans receive and digest knowledge about violence and human rights abuses – and how they act in consequence – is minimal. This study may invite further research on the subject. Bystanders are neither perpetrators, nor victims. Yet, they are central to atrocity and violence because their indifference and inaction facilitate evil-doing (Bauman 2003). Bystanders have great power: “through omission”, they “have the power to exonerate and implicitly

condone and encourage perpetrators; through resistance, demonstrating and pressurizing government, they can positively impact on the escalation of brutalities” (Seu 2013: 18).

### *Conclusions*

This article sought to explore the official discourse that the Calderón administration deployed in order to deny, reinterpret, or justify serious human rights violations perpetrated by security forces in the context of the war on drugs. This article shows the importance of exploring the language that has authorized these legal dispositions and their effects to exist in the first place. The government’s policing of uncomfortable truths sought to normalize the abnormality of a permanent state of exception where serious human rights violations take place systematically. According to the official discourse, the atrocities committed by the state bureaucracy never happened, are something else, or can be justified. So, in Mexico two completely distinct realities coexist: the world of the victims and human rights activists in which serious human rights violations take place; and the world of state officials, in which adherence to the law is the norm, and where human rights abuses never happen.

As said, unlike Calderón, President Peña Nieto has spent considerably less time talking about the war: literal denial – “nothing happens”. The official discourse has focused on other issues, such as the energy reform. Yet, when human rights organizations challenged the occurrence of serious human rights abuses, Peña Nieto’s government used the same strategy as his predecessor. In 2014, for instance, the UN Special Rapporteur on Torture demonstrated that torture in Mexico was a generalized practice. The Peña Nieto administration answered that the UN Rapporteur was acting in an “irresponsible manner”, as he talked with “no evidence”.

This article addresses the case of Mexico but invites us to think about how other democracies deal with serious human rights abuses. This was Stan Cohen's aim when he first became interested in the discourse of official denial in the late 1980s. Back then, Cohen lived in Israel and collaborated with an organization of human rights that documented the use of torture by Israeli officials against Palestinian prisoners. Cohen (1991: 27) tried to understand how in Israel "the same political space is shared by brutal repression and democratic institutions". He found out that in the Israeli democracy state agents were "engaged in ritual denials, accusations of worldwide bias against Israel, uncheckable promises to investigate each allegation, or appeals to preposterous legalistic sophistry to explain why, for example, the Geneva Convention does not apply to the Occupied Territories". At the end of his life, Cohen (2005) invited us to think about the way the United States government justified the use of torture in Guantanamo and Abu Ghraib. He often cited George Orwell's prophecy: the time would come when practices like torture would be "tolerated and even defended by people who considered themselves enlightened and progressive" (Cohen 1991: 25).

Hopefully, this article will encourage a critical reflection about the language used to conceal the devastating effects of the wars on drugs that are currently taking place in many countries in Latin America or, for example, in the Philippines under Rodrigo Duterte's rule. Wars on drugs are legitimized, without evidence, as necessary and inevitable, but its effects – serious violations of human rights – are simply denied or minimized. As Taussig eloquently put it in his analyses about Colombia and Argentina: the dirty wars and the wars on drugs are made possible because they come together with a war of silencing: "there is no officially declared war. No prisoners. No torture. No disappearing": "this is more than the production of silence. It is silencing" (Taussig 1989: 26). And the point about silencing is not to erase memory, but to generate

uncertainty and, crucially, fear: the point is to frighten citizens into saying nothing publicly that could be deemed as critical of the security forces.

Finally, perhaps this article will stimulate some discussion on how to understand and classify Mexico's current political regime. Can democratic institutions, human rights, and liberties survive under a permanent state of exception? Can crimes against humanity take place within a democracy? The NSOV (2014) shows that the political regime in Mexico functions, at least partly, through the fear that the state security forces generate among citizens. What do you call a regime in which the majority of the population fears that state agents can torture and disappear those they detain? As Martha Huggins et al (2001: xxi) argue, "the possibility of a totalitarian dynamic made up of ordinary citizen bystanders, atrocity facilitators who are not directly violent, as well as of the perpetrators of direct violence indeed exists for democracies, to their peril".

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